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1218-02
B.H. Hiltz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Holtz *et al.*

Appl. No.: 09/482,683

Filed: January 14, 2000

For: **System and Method for Real Time
Video Production and Distribution**
(as amended)

Art Unit: 2173

Examiner: Huynh-Ba

Atty Docket: 1752.0010001

Supplemental Declaration of Alex Holtz under 35 U.S.C. § 1.56

Commissioner for Patents
Washington, DC 20231

Sir:

I, Alex Holtz, do hereby declare and state that:

1. Initial market research concerning what eventually became ParkerVision's (the assignee of the above-captioned application) CameraManSTUDIO (renamed PVTV Studio) was conducted at the 1996 National Association of Broadcasters (NAB) trade show in Las Vegas, Nevada ("NAB 96"). I attended this trade show. At least the following ParkerVision employees attended NAB 96: Todd Parker, Kevin Morrow, Jim Berry, Loren Nordin, Michael Baker, Geren Mortensen, Phil Tillitson, and Jeff Parker. The customers attending NAB 96 were General Managers, Engineers, Directors and Technical Directors from broadcast and cable networks and affiliates. In addition, there was representation from Industrial users such as corporate and educational audio visual department personnel.
2. ParkerVision had a booth at NAB 96. The only activity related to what later became CameraManSTUDIO was "proof of concept" discussions with certain attendees about some of the broad brush aspects of the system based on proposed functionality and "Graphical User Interface" (GUI) concepts. No formal questionnaires were used for this market research. We did not distribute any literature, marketing documents or other information in printed form. We did, however, have a PC generated graphic of a sample GUI. This GUI was shown on a single monitor.

3. My role at NAB 96 consisted of market research for the PVTV Studio concept, and marketing and demonstrating ParkerVision's existing product line, including CameraMan automated video cameras, which is not the subject of the above-captioned patent application.
4. ParkerVision participated in the 1997 NAB trade show ("NAB 97") during April of 1997 in Las Vegas, Nevada. I attended this trade show. At least the following ParkerVision employees also attended the trade show: Jeffrey Parker, Kevin Morrow, Brad Neider, Jim Berry, Michael Baker, Geren Mortenson, Tom Smock, and Phil Tillotson. The customers attending NAB 97 were of the same type that attended NAB 96.
5. ParkerVision had a booth at NAB 97. An early "prototype" of ParkerVision's CameraManSTUDIO product was demonstrated at this trade show, as described in paragraph 8 below. Attached, as Exhibit D, is a copy the GUI display that was used to support the demonstration. A marketing document, which is attached as Exhibit A, was distributed at NAB 97. Exhibit A describes a variety of speculative features and functions of the prototype of CameraManSTUDIO. I do not know how many of these documents were distributed.
6. My role at NAB 97 consisted of marketing and demonstrating ParkerVision's prototype CameraManSTUDIO product and listening to feedback from customers for necessary changes and modifications prior to making CameraManSTUDIO a product ready for "Beta" release.
7. CameraManSTUDIO was only in its preliminary "prototype" stage of development in April 1997, at the time of NAB 97. Accordingly, a "prototype" was demonstrated at NAB 97. The "prototype" was a computer platform and display that demonstrated to the attendees some speculative features and functions (as listed in Exhibit A) of an anticipated CameraManSTUDIO product. The "prototype" did not include the vast majority of source code (more than 1 million lines) that eventually were written for the CameraManSTUDIO System. At the NAB 97 show, we did not know whether the

prototype of the CameraManSTUDIO would work in a real-time, live studio environment.

8. The prototype of the CameraManSTUDIO was not offered for sale to anyone or any organization at NAB 97. Instead, possible "beta" site testers were sought at NAB 97 to determine whether a product such as CameraManSTUDIO would be operable in a real-time studio environment once a "beta" version was available. In addition to identifying possible beta site testers, we also conducted informal market research and held discussions with attendees at the conference to determine whether there was a possible commercial market for an eventual CameraManSTUDIO product. A proposed price was provided to such potential beta site testers to determine pricing acceptability, strategy and value to the consumer.
9. A number of attendees asked me during NAB 97 whether the product was available for purchase. I told all that asked that neither a production level or beta level system of the CameraManSTUDIO was available at that time. However, I kept a database of beta site candidates.
10. In June 1997, ParkerVision attended another trade show, Infocom, at the Los Angeles Convention Center. The same people that attended NAB 97 attended Infocom 97. We did not demonstrate, distribute or discuss any new information relative to the CameraManSTUDIO at Infocom 97 that was not demonstrated, distributed or discussed at NAB 97. Between NAB 97 and December 18, 1998, (the filing date of the above-captioned application) we continued to develop the CameraManSTUDIO product.
11. Between NAB 97 and December 18, 1998, we showed various beta test versions of the CameraManSTUDIO to a number of potential beta site testers, resellers and consultants. CameraManSTUDIO was not beta tested prior to December 18, 1997. Among these potential beta site testers was the Rainbow Media Group, a subsidiary of Cablevision, Incorporated. The purpose of these meetings was to get feedback regarding the viability of the CameraManSTUDIO product in the marketplace. However, we did offer Rainbow (or anyone else) a beta version of the CameraManSTUDIO until sometime after Telecon 97, which is discussed below. We

also had some general discussion of price with these beta site testers, resellers and consultants to obtain feedback to determine whether the market would allow ParkerVision to sell a CameraManSTUDIO at a profit.

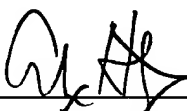
12. In October 1997, ParkerVision attended the 1997 trade show ("Telecon 97") in Anaheim, California. The Rainbow Media Group was at this trade show. Telecon 97 attracted customers interested in videoconferencing, distance learning and business television. I attended this trade show. At least the following ParkerVision employees also attended the trade show: Jeffrey Parker, Kevin Morrow, Brad Neider, Jim Berry, Michael Baker, Geren Mortenson, Tom Smock, and Phil Tillotson.
13. A more advanced "alpha development stage" of the CameraManSTUDIO product was shown at Telecon 97. It included a significant portion of the source code, which later become the beta test version of CameraManSTUDIO after significant development of the Transition Macro code. However, this advance "beta development stage" of the CameraManSTUDIO was not ready for commercialization because it could not be used to produce a real-time, live television show for newsrooms. Again, this more advanced "alpha" of the CameraManSTUDIO was not offered for sale to any attendees at Telecon 97. The purpose of demonstrating the advanced "alpha" of the CameraManSTUDIO was, once again, to identify candidates willing to test a "beta" version of CameraManSTUDIO to determine whether it was operable in a real-time studio environment. Again, we also wanted to know whether there was a market demand for such a product.
14. At Telecon 97, a marketing document, which is attached as Exhibit C, was distributed. This document described some of the features and functions of the more advanced prototype of the CameraManSTUDIO. I do not know how many of these documents were distributed.
15. A number of attendees asked me during Telecon 97 whether CameraManSTUDIO was available for purchase. I told all that asked that CameraManSTUDIO was not for sale at the present time. However, once again, beta site testers were sought. We did not, nor would not, take any purchase orders in October 1997. An exemplary purchase

price for CameraManSTUDIO was provided at Telecon 97 for pricing acceptability, strategy and testing reasons.

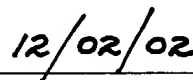
16. On December 19, 1997, ParkerVision and Rainbow Media Group executed a Beta License Agreement, which is attached at Exhibit B, concerning a beta test version of CameraManSTUDIO for use at Channel 12 in the Bronx, NY, NY. On December 19, 1997, the beta version of the CameraManSTUDIO was still not ready to be installed at Channel 12. However, the agreement provided ParkerVision with the incentive to complete the development of the beta version of the CameraManSTUDIO product. A number of critical features and functions of the invention had not yet been conceived by December 19, 1997. In other words, on December 19, 1997, the "alpha" version of CameraManSTUDIO could not produce a real-time, live television show for newsroom applications.
17. The first beta version of the CameraManSTUDIO was installed in February 1998, at News 12 in the Bronx, NY, NY. The beta version of CameraManSTUDIO did not produce a real-time live news show despite best efforts. The agreement between Channel 12 and ParkerVision obligated Channel 12 to use the beta version of CameraManSTUDIO in a real-time news show environment, provide reports back to ParkerVision regarding the performance of the beta version of CameraManSTUDIO and maintain the beta version of CameraManSTUDIO in secrecy. As a result of this beta testing and reporting requirement, a variety of additional features and functions were added to the beta version of CameraManSTUDIO that allowed it to work correctly within a real-time studio environment for the newsroom application.
18. The agreement between ParkerVision and Rainbow allowed Rainbow to pay the purchase price for the beta version of CameraManSTUDIO subsequent to ParkerVision demonstrating that the beta version of CameraManSTUDIO could be used to produce a real-time, live news show. This objective was not achieved until after obtaining significant feedback, on-site observation and code development at the NEWS 12, The Bronx, Rainbow Media Group facility about the operation of the beta version of CameraManSTUDIO in a real-time studio setting. Thus, payment for the beta version of CameraManSTUDIO was not made by Rainbow until on or about July 17, 1998.

The first public broadcast using the CameraManSTUDIO was on June 22, 1998, by Rainbow.

19. At least the following features and functions (as described in the above-captioned patent application) were not conceived until after December 18, 1997: Transition Macro hot keys, editing of a transition macro, step time marks, CG page control, triggering an event from teleprompter, script lists, automating video distribution from the production control system, automating video distribution over a computer network, integrating segment delimiters, creating segment files, and distributing video enhancements. This list is not intended to be exhaustive. One or more of these features and functions are necessary for a CameraManSTUDIO to operate in a real-time, commercially acceptable, live studio broadcast newsroom environment.
20. The CameraManSTUDIO was not tested in a live studio environment until February 1998.
21. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the above-captioned application or any patent issued thereon.



Alex Holtz



Date